

1 UNITED STATES OF AMERICA
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

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5 IN RE: NATIONAL PRESCRIPTION
6 OPIATE LITIGATION

7 THIS DOCUMENT RELATES TO:

8 Case Track 3

9) Case No.
10) 1:17-MD-2804

11) Honorable
12) Dan A. Polster
13)

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15 TRANSCRIPT OF PROCEEDINGS OF TELEPHONE STATUS
16 HEARING BEFORE JUDGE DAN A. POLSTER, JUDGE OF
17 SAID COURT, ON MONDAY, JANUARY 13TH, 2021,
18 COMMENCING AT 5:00 O'CLOCK P.M.

19 - - - - -

20 Court Reporter:

21 GEORGE J. STAUDUHAR
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1 P R O C E E D I N G S

2 THE COURT: All right. Good afternoon. Dan
3 Polster calling in.

4 JUDICIAL ASSISTANT: Hi, Judge.

5 THE COURT: Okay.

6 JUDICIAL ASSISTANT: I have made sure we
7 have lead counsel from every entity. George is on and
8 ready along with Magistrate Judge Ruiz and the Special
9 Master. You can go ahead and get started.

10 THE COURT: Okay. Thank you very much.

11 All right. Good afternoon, everyone.
12 Happy New Year, and I hope everyone has a very safe and
13 healthy 2021.

14 This is our monthly status call-in MDL
15 1:17MD2804. I appreciate the thorough joint status
16 report that was filed yesterday. There doesn't seem to
17 be anything burning on the agenda.

18 I am just curious, the status report lists
19 three state cases that are set for trial in February and
20 March.

21 Are those cases actually likely to go to
22 trial? Does anyone have any knowledge about those? I
23 think there was one, a February trial, state of Arizona,
24 and then March trials in Arkansas and California.

25 MR. STOFFELMAYR: Judge, Kasper Stoffelmayr.

1 I could just say for the pharmacy Defendants we are not
2 in any of those cases, so I cannot answer your question
3 unfortunately.

4 THE COURT: Oh, all right.

5 Does anyone from the PEC know whether those
6 are likely to go?

7 MR. WEINBERGER: Your Honor, this is Pete
8 Weinberger. I don't know the status of those trial
9 dates. (Inaudible.)

10 THE COURT: Okay.

11 MR. WEINBERGER: But I advised (Inaudible)
12 if anybody else from the PEC has any knowledge
13 (Inaudible) .

14 COURT REPORTER: Judge, he is not coming
15 through very clearly, Mr. Weinberger.

16 THE COURT: All right. Well, all right.
17 And I know Judge Gargiulo is planning to have his trial
18 as soon as trials are opened in New York. Okay.

19 Have the parties been meeting at all
20 recently with Judge Gandhi? I don't want to know what
21 transpired obviously, but I am just curious if the
22 parties have been meeting.

23 MS. TABACCHI: Your Honor, this is Tina
24 Tabacchi from Jones Day. I can report that Judge Gandhi
25 does continue to be engaged with the parties, and I am

1 aware of conversation this week and last week.

2 THE COURT: Okay. Good. Very good. Thank
3 you, Tina.

4 MR. RICE: Um, Judge, this is Joe. The only
5 conversations we have had with Judge Gandhi are all
6 related to one Defendant -- excuse me -- two Defendants,
7 and we have been led to believe that there is only two
8 Defendants that are engaged in continuing discussions in
9 that regard.

10 THE COURT: Okay. Well, two is better than
11 none. I mean, I would just prefer for everyone to
12 utilize Judge Gandhi's services. All right.

13 I didn't have anything else really other
14 than setting a date of our February meeting. I didn't
15 see anything, any real action item that anyone was
16 raising that needed my attention. But if anyone has got
17 something, they can bring it forth now.

18 (No response.)

19 THE COURT: Okay. Well, I'm glad we had it.
20 I think it is a good idea to have these monthly meetings
21 because it gives everyone an opportunity to raise
22 anything. I am suggesting Wednesday, February 10th.

23 We had been at the very beginning of the
24 month. We had this one later because of New Years.
25 Unless there is a real problem with February 10th, I

1 think Wednesdays have worked. I would suggest February
2 10th at noon and then a joint status report noon on
3 Tuesday, February 9th.

4 And I appreciate everyone working, you know,
5 constructively to come up with a litigating schedule for
6 the October trial, and I certainly expect that if the
7 case doesn't resolve, that we will be able to have that
8 trial in October.

9 I will be profoundly disappointed if the
10 pandemic isn't in a situation where we would be able to
11 do it. I certainly expect it will be. So I -- okay.
12 Well, I appreciate everyone working cooperatively through
13 this difficult case, and I will check with everyone next
14 February.

15 Thank you.

16 MR. WEINBERGER: Thank you, Judge.

17 (Others said good bye.)

18 (Telephone conference concluded at 12:09
19 p.m.)

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21 C E R T I F I C A T E

22 I, George J. Staiduhar, Official Court
23 Reporter in and for the United States District Court,
24 for the Northern District of Ohio, Eastern Division,
25 do hereby certify that the foregoing is a true

1 and correct transcript of the proceedings herein.

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4
5 s/George J. Staiduhar
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